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4 BILL NO. G-74-03-23

5 GENERAL ORDINANCE NO. G- 06 - 74.

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7 AN ORDINANCE amending Section 12 of Article I
8 of Chapter 28 of the Municipal Code of the City
9 of Fort Wayne, Indiana, as amended by
General Ordinance No. 2726, adopted
December 22, 1953.

10 SECTION 1. Chapter 28 of the Municipal Code of the City of Fort Wayne,
11 Section 12 of Article 1 is hereby amended to read as follows:

12 Section 12 (A) CONSTRUCTION OF DRIVEWAY ENTRANCES AND APPROACHES

13 These regulations shall apply to all classes designated in Subsection
(C) and shall be entitled Access Permit Rules.

14 B) DEFINITIONS For the purpose of these regulations the following
15 definitions shall apply:

16 1) Driveway: Every way or place not on the right-of-way of any
17 public street or alley and which is used for vehicular traffic.

18 2) Approach: A place improved for vehicular or pedestrian traffic
19 on street right-of-way which connects the edge of pavement of a public street with
a driveway, or pedestrian walkway.

20 3) Entrance: The point of connection of an approach with the traveled
portion of a public street.

21 4) Median: The portion of a divided highway separating the traveled
ways for traffic in opposite directions.

22 5) Traveled Way: The portion of the roadway for the movement of
23 vehicles, exclusive of shoulders and auxiliary lanes.

24 6) Median Opening (Crossover): A gap in the median provided and
designated for crossing and turning traffic.

25 7) Auxilliary Lane: The portion of the roadway, adjoining the traveled
way for parking, speed change, turning, storage for turning, weaving, truck
climbing or for other purposes.

26 8) Access Point: The point of connection of a driveway at the right-
of-way line of the street with the approach.

27 9) Single Family Residence Access: An entrance and an approach

which connects a City street with a driveway to a residence, barn, private garage, or other improved property and ordinarily used by the owner or occupant of the premises, his guests and necessary service vehicles.

9-b) Commercial Access: An entrance and an approach which connects a City street with a driveway to private property used for multiple family, commercial, industrial, schools, churches, and other similar uses which will ordinarily carry a heavy traffic movement, and public property which will ordinarily carry a heavy traffic movement.

9-c) Field Access: An entrance and an approach which connects a City street or road with vacant lots, fields or other unimproved property.

C) CLASSES. All entrances and approaches shall be divided into five classes as follows:

| | |
|-----------|--|
| CLASS I | Single Family Residence Access - raised curb used. |
| CLASS II | Single Family Residence Access - shoulder only, no raised curb. |
| CLASS III | Commercial Access - raised curb used. |
| CLASS IV | Commercial Access - shoulder only, no raised curbs. |
| CLASS V | Field Access - either raised curb or shoulder only. |

Crossovers shall be classified in accordance with current Access Standards Manual.

D) APPLICATION - FORMS REQUIRED and FEE

1) Application - Form Required: Application to the Right-of-Way Permit Department, Room 880, City-County Building, for permits to construct any entrance, driveway or approach connecting with any City street, alley, or to cut any curb along said street or to construct a crossover on said street shall be made on the form as prescribed by the Board of Public Works.

2) Application Fee: There shall be an application fee submitted with each application in the following amounts:

- | | |
|--|------------------------|
| 1) <u>RESIDENTIAL</u> (Class I, II, or V Access) | \$ 10.00 Each Entrance |
| 2) <u>COMMERCIAL</u> (Class III, IV or V Access) (Without Taper or Passing Lanes) | \$100.00 Each Entrance |
| 3) <u>COMMERCIAL</u> (Class III, IV or V Access) (With Taper or Passing Lanes) | \$200.00 Each Entrance |

Such application fees represent a processing charge and are non-refundable.

E) NEW APPLICATION - WHEN REQUIRED: A new application shall be required for the construction, remodeling, alteration, or relocating of an entrance approach,

driveway or cross-over. Any change in the character and entrance of the land use of the real estate, no matter how slight, shall be reviewed to determine if any alteration, relocation, or remodeling of the existing entrance, approach(s), driveway(s), or cross-over(s) or new construction is required. In the event it is determined that relocation, alteration, or modification of the existing entrance approach(s), driveway(s) or cross-over(s), or new construction is required; a new application shall be governed by the same rules and judged by the same standards as an application for a permit for a wholly new entrance approach, driveway and/or cross-over.

F) APPLICATION - PERSONS MAKING - DISCLOSURE: All applications for permits under these regulations shall be made in the name of the owner of the fee simple title. All persons having any interest in the land, including but not limited to mortgagees, leasees, optionors, lien holders, and encumbrances shall join with the fee simple holder in the application. All such persons shall in the application sign and consent to the conditions of the application and shall be bound equally thereafter by the conditions of any permit which may be issued to any permittee. Title evidence, in the form of a certified search covering period of 20 years, shall be furnished to support the signatures for driveway permit applications in the following areas:

1) All commercial access applications except those applications involving an EXISTING ACCESS WITH NO PROPOSED CHANGE IN ACCESS, USE OR CHARACTER.

2) Private access or field access in areas covered by limited access resolutions.

All other title evidence will be at the discretion of the Board of Public Works.

If the applicant submits an application which his title evidence does not include the signatures of all interest holders, then if the application is evaluated in favor of granting the permit, the applicant must submit subsequent title evidence showing that all omitted interest holders have ceased to be interest holders or have by an addendum to the application joined the original applicant on the original application and such subsequent title evidence or addendum must be submitted before any authorization for construction under the permit shall begin.

G) APPLICATION - PURPOSE OF ACCESS DISCLOSURE OF INTENDED USE FOR OR WITH ADJACENT PARCELS: All applications for permits shall disclose the present and proposed use of the parcel for which access is requested. Any intended use of the access in conjunction with any adjacent parcel, whether owned by applicants or by others, or to be purchased or sold by the applicant or others, shall be disclosed in the application, all adjacent parcels owned or controlled by the applicants whether intended to be used in conjunction with the requested access shall be disclosed in the application. These disclosures are required to ensure the public a safe and convenient means of travel consistent with the right of the adjoining landowner to have access as provided by law.

H) APPLICATION - DRAWINGS AND INFORMATION REQUIRED: All application for permits under these regulations shall be accompanied by clear drawings. One (1) drawing to accompany each application form. Information to be shown on drawings shall include the following as applicable:

- 1) Driveway and approaches
 - 2) A legal description of the property to be served by the permit together with a legal description of the adjoining land owned or controlled by the applicant.
 - 3) Right-of-Way lines and property lines.
 - 4) Site plan showing parking, interior drives, buildings, etc.
 - 5) Distance to intersecting roads, streets, railways, or crossovers within five hundred (500) feet.
 - 6) Width of right-of-way
 - 7) Width and type of road surface.
 - 8) Necessary and existing pipe, tile, or other drains stating size and kind.
 - 9) Distance from right-of-way line to gasoline pumps.
 - 10) Type of surface and construction (base, surface, etc.) of driveways.
 - 11) Type of surface and construction (base, surface, etc.) of approaches.
 - 12) Proposed turning radii.
 - 13) Proposed treatment of right-of-way adjacent to and between approaches
 - 14) Rate of slope or grade of approaches and driveways.
 - 15) Show distance to and design of next drives on both sides of street (both directions) if within five hundred (500) feet.
 - 16) All adjacent parcels owned or controlled by the applicant and whether the same are intended for use with access requested or not.
 - 17) All parcels intended for use with requested access.
 - 18) Resolution (59-80-11) effective December 7, 1972 -- All driveway approaches shall have a two inch conduit placed one foot from the inside sidewalk edge, length of which shall be the width of the driveway plus two feet on each side.

I) APPLICATION STANDARDS: All construction and materials used within the street right-of-way must conform to the City of Fort Wayne "Standard Specifications" which shall be kept on file in the Right-Of-Way Permit Engineer's Office.

J) APPLICATION - DESIGNS: All applications shall be filed in accordance with the Driveway Access Standards Manual Requirements of the City of Fort Wayne. The permittee agrees to make the improvements in accordance with such standards, specifications, and design requirements of the City of Fort Wayne.

K) APPLICATION - COMMERCIAL - ENGINEER'S ATTESTATION: All applications for commercial purposes shall be signed by a registered professional engineer, and/or registered land surveyor, attesting that the applications as proposed, conform with all City of Fort Wayne rules and standards, except as he shall note in such attestation.

L) COMPLIANCE - OTHER LAWS: Approval of a permit application shall be subject to the permittee obtaining all necessary approvals involving land use from the Zoning Board and/or Plan Commission having jurisdiction and local authorities and complying with all applicable laws. The issuance of any permit shall in no way imply Board of Works approval of, or be intended to influence any action pending before any local board or commission.

M) **BOND REQUIRED:** The City of Fort Wayne shall require a Permit Bond and liability insurance to be filed along with each application to do any type of construction work within the right-of-way.

- 1) Contractors:
 - a) Permit Bond
Minimum - \$5,000
 - b) Liability Insurance
Minimum - \$50,000
 - 2) Private Property Owners:
 - a) Permit Bond
Minimum - \$1,000 (Single Address)
 - b) Liability Insurance
Minimum - a rider to the Homeowner's Policy naming the City of Fort Wayne as additional insured.

Such bonds are required to insure compliance with all terms of the permit and shall in the case of noncompliance, provide in addition to any damages suffered thereby, all witness and court costs in collecting the same, together with any attorney's fees reasonably due, and shall be released only when the work described on the permit has been completed to the satisfaction of the Right-Of-Way Permit Engineer or his representative.

This bond is required for a period of one year, and shall be considered as continuous bond. This bond and liability insurance must be on file in the Right-Of-Way Permit Department before any R/W permits will be issued.

The proper bond forms may be obtained from the Right-Of-Way Permit Department, Room 880, City/County Building.

N) MEDIAN OPENINGS (cross-overs) - LOCATION: Permits for private or commercial crossovers will not be approved unless the distance to the nearest existing crossover is in accordance with the Access Standards Manual, unless the applicant can prove to the satisfaction of the Board of Public Works that the location of the crossover will not be detrimental to the safety of the traveling public.

O) LOCATION - TAPER - CONTINUOUS LANE: When the taper of a proposed driveway approach will create, because of the addition of said taper and its proximity to an adjacent similar taper, hazardous and erratic traffic movements; the entire area between said tapers must be paved thus forming a continuous full lane between the approaches of which said tapers are a part.

P) LOCATION - VISIBILITY: All entrances and approaches shall be located so as to provide adequate sight distance in both directions along the street for safe access to the street without interfering with traffic.

Q) LOCATION - TRAFFIC DEVICES: No entrance or approach shall be located or constructed so as to interfere with or prevent the proper location of necessary street signs or other traffic control devices.

R) LOCATION - PROPERTY LINE: No approach radii shall be so constructed that any part of the same extends in front of property belonging to persons other than the permittee unless both property owners sign a joint application for a permit

S) DRAINAGE REQUIREMENTS: All improvements authorized by the permit shall not interfere with drainage of the street or right-of-way, nor cause additional area to drain onto the right-of-way, nor shall they be constructed so as to cause drainage on to the roadway.

All drainage pipes or tile used in the construction of driveways and approaches, shall be a MINIMUM OF TWELVE (12) INCHES IN DIAMETER and as much larger as the Department shall deem necessary for proper drainage, and all new driveways and approaches shall be furnished by the permittee, all pipe or tile and other drainage structures used shall meet the approval of the Department as to type quality, size and length.

T) PERMIT - FOR CONSTRUCTION: Upon receipt of such permit, the permittee is authorized to proceed with the work covered by it, subject to the conditions imposed by the board of Public Works and these rules. If the application is approved with conditions, or special provisions, all of the signatories to the original application should indicate their consent to the conditions , or special provisions in writing.

U) FINAL PERMIT-INSPECTION: A final approval of the permit shall be issued upon completion of construction: provided, however, that no approval will be issued until the work covered by the permit to construct is inspected and found to be in accordance with the plans and specifications file in the application as amended by the Engineering Departments, together with any special conditions noted therein, and approved by the Board of Public Works.

V) PERMIT - RECORDING: The permit clerk of the Right-Of-Way Permit Engineering Office shall upon receiving the approved permit signed by the Board of Public Works, enter same into the general ledger of the Right-Of-Way Permit Engineering Office, together with the cost of processing said permit. Upon completion of construction and final inspection, the date of acceptance shall also be entered into the general ledger.

W) PERMIT - NOTIFICATION OF BEGINNING WORK WHEN EFFECTIVE: Before beginning work under any permit to construct, the permittee shall notify the Right-Of-Way Permit Office a minimum of 24 hours prior to start of work, and again two (2) hours prior to pouring concrete.

X) PERMIT - DISPLAY: The applicant's permit complete with drawings and special provisions shall be on the job site at all times so that it can be shown, if requested.

Y) PERMIT - VALIDITY - COMPLETION OF CONSTRUCTION: All improvements authorized by a permit must be completed with one (1) year after the permit is issued; otherwise, the permit will be cancelled unless an extension is requested, in writing, by the applicant, and said request is approved by the Board of Public Works. However, all construction authorized by the permit on the right-of-way

4 must be completed within thirty (30) days after starting said construction, unless
5 otherwise expressly approved as a special condition.

6 Z) PERMIT - LIABILITY DURING CONSTRUCTION: The permittee shall
7 assume all responsibility (during the time from the beginning of the work covered
8 by any permit until final approval of the work), and shall furthermore be obligated
9 to save harmless the City of Fort Wayne for any and all injury, loss or damage
occasioned to or by persons or property resulting directly or indirectly from such
work; the Board of Public Works shall require the permittee to provide liability
and indemnity insurance as described by subsection "M".

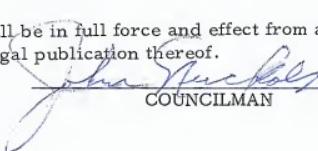
10 AA) PERMIT - CONSTRUCTION NOT TO INTERFERE WITH STRUCTURE IN
RIGHT-OF-WAY: The construction of all improvements authorized by the permit
11 shall not interfere with any existing structure on any City of Fort Wayne right-
of-way without specific permission in writing from the Board of Public Works or
12 other owner thereof. Any structure or traffic control device affected by the pro-
posed construction shall be relocated at the applicant's expense as directed.

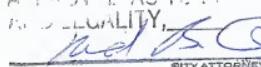
13 BB) PERMIT - ENFORCEMENT OF UNLAWFUL SIGNS: The permittee shall
not erect or maintain any advertising sign on or over the right-of-way or any
portion thereof in violation of any law.

14 CC) PERMIT - EXISTING ACCESS - SUBJECT TO NEW RULES: Any person
15 who by law, has an existing legal right of access to a City of Fort Wayne street,
shall if he desires to improve, relocate, alter or remodel the same, or if he has
16 applied for and been issued final approval of a permit under said Ordinance
if he desires to make any change in the character of the use of such rights of
17 access, then existing or granted thereafter with respect to such real estate shall
be subject to these rules as the same may from time to time be amended by the Board
18 of Public Works.

19 DD) SEVERABILITY: If any provision of said Ordinance or the application
thereof to any person or circumstances is valid, such invalidity shall not affect
20 the other provisions or applications of these rules which can be given effect with-
out the invalid provision, or application, and to this end, the provisions of said
ordinance are declared to be severable.

21 SECTION 2. This Ordinance shall be in full force and effect from and after its
22 passage, approval by the Mayor and legal publication thereof.
23

24 
25 COUNCILMAN
26

27
28 A BWA L AS FOLLOWS:
29 FOR EQUALITY,
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Read the first time in full and on motion by Huckles, seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197_____, at _____ o'clock P.M., E.S.T.

Date: 3/12/74

Charles J. Talarico
CITY CLERK

Read the third time in full and on motion by Huckles, seconded by Hinga, and duly adopted, placed on its passage.

Passed (TEST) by the following vote:

| AYES | NAYS | ABSTAINED | ABSENT | to-wit: |
|-------------|----------|-----------|--------|---------|
| <u>5</u> | <u>4</u> | | | |
| BURNS | ✓ | | | |
| HINGA | ✓ | | | |
| KRAUS | ✓ | | | |
| MOSES | | ✓ | | |
| NUCKOLS | ✓ | | | |
| SCHMIDT, D. | | ✓ | | |
| SCHMIDT, V. | ✓ | | | |
| STIER | ✓ | | | |
| TALARICO | | ✓ | | |

DATE: 4-9-74

Charles J. Talarico
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Amendment) (Special) (Appropriation) Ordinance (Resolution) No. D-06-74 on the 9th day of April, 1974.

Charles J. Talarico
CITY CLERK

ATTEST: (SEAL)

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of April, 1974, at the hour of 11:00 o'clock A.M., E.S.T.

Charles J. Talarico
CITY CLERK

Approved and signed by me this 11th day of April, 1974, at the hour of 9:30 o'clock P.M., E.S.T.

Edward J. Kammeyer
MAYOR

Held
Catt Bd. of Works
Mr Apr. 9. 1954
Dr Howell

Bill No. G-74-03-23

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending Section 12 of Article I of Chapter 28 of the Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. 2726, adopted December 22, 1953.

[10 blank lines]

have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance do PASS.

John Nuckols - Chairman

Vivian G. Schmidt - Vice-Chairman

William T. Hinga

Paul M. Burns

Donald J. Schmidt

John Nuckols
Vivian G. Schmidt
William T. Hinga

CONCURRED IN
DATE 4-9-74 CHARLES W. WESTERMAN, CITY CLERK

City Clerk Memorandum

CHARLES W. WESTERMAN, Clerk



To _____ Dr. Jerry Boswell - Chairman Board of Works Date 3-21-74
From _____ Charles W. Westerman - City Clerk
Subject _____ Appearance before Common Council - April 2, 1974

COPIES TO:

RE: BILL NO. G-74-03-23

AN ORDINANCE amending Section 12 of Article I
of Chapter 28 of the Municipal Code of the
City of Fort Wayne, Indiana, as amended by
General Ordinance No. 2726, adopted
December 22, 1953

Your presence is requested on April 2, 1974, at 7:30 o'clock
P.M., Room 124, by the members of the Common Council and
John Nuckols, Chairman of the Regulations Committee, in
regard to the above bill.

It is also requested that you bring along any materials or
information that you may have which will help the Council
in its decision regarding the above bill.

Charlie

City Clerk Memorandum

CHARLES W. WESTERMAN, Clerk

To Dr. Jerry Boswell - Board of Public Works Date 4-5-74
From Charles W. Westerman - City Clerk
Subject Appearance before Common Council - April 9, 1974

COPIES TO:

RE: BILL NO. G-74-03-23

AN ORDINANCE amending Section 12 of Article I
of Chapter 28 of the Municipal Code of the City
of Fort Wayne, Indiana, as amended by General
Ordinance No. 2726, adopted December 22, 1953.

Your presence is requested on April 9, 1974, at 7:00 o'clock
P.M., Room 124, by the members of the Common Council and
John Nuckles, Chairman of the Standing Committee of Regulations
in regard to Bill No. G-74-03-23.

It is also requested that you bring along any material or
information that you may have which will help the Council in
its decision regarding the above bill.

Charlie





CITY OF FORT WAYNE
FORT WAYNE, INDIANA

CHARLES W. WESTERMAN
CITY CLERK

April 15, 1974

Miss Helen Libbing
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, Indiana 46802

Dear Miss Libbing:

Please give the attached full coverage on the dates of April 17 and April 24, 1974, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, Indiana.
Bill No. G-74-03-23
General Ordinance G-06-74

Please send us four (4) copies of the Publisher's Affidavit.

Thank you.

Sincerely,

Charles W. Westerman
City Clerk

CWW/ne
ENCL: 1

of or by the Common Council of the City of Fort Wayne, Indiana, as amended by Ordinance No. 728, adopted December 22, 1952.

SECTION 1. This ordinance amends the Municipal Code of the City of Fort Wayne, Indiana, to read as follows:

ARTICLE 12 (A) CONSTRUCTION OF DRIVEWAY ENTRANCES AND APPROACHES

These regulations shall apply to all driveways designated in Subsection (C) and shall be in addition to the regulations in Article 1 of Chapter 28 of the Municipal Code of the City of Fort Wayne, Indiana, as amended by Ordinance No. 728, adopted December 22, 1952.

ARTICLE 12 (B) DEFINITIONS For the purpose of these regulations, the following definitions shall apply:

- 1) Approach: Every way or place not on the right-of-way of any public street or highway which is used for vehicular traffic, including driveway approaches, walkways, or pedestrian traffic on street right-of-way, and the portion of a public street with a driveway or entrance.
- 2) Appropriate: The portion of a roadway or driveway which is used for the movement of vehicles, excluding shoulders, crosswalks, or other portions of a public street with a driveway or entrance.
- 3) Entrance: The point of connection of a driveway with the paved portion of a public street.
- 4) High-Way: A divided highway or divided roadway separating the travel lanes for opposite directions.
- 5) Driveway: The portion of the roadway for the movement of vehicles, excluding shoulders, crosswalks, or other portions of a public street with a driveway or entrance.
- 6) Median Opening (Crossover): An opening in a median strip or barrier designed for crossing and intended and designated for pedestrian traffic.
- 7) Pedestrian: Any person walking, for passing, speed change, turning, storage or parking, or for any other purpose.
- 8) Right-of-Way Point: The point of connection of a driveway of the right-of-way line of the street.

9-a) Single Family Residence Access: An approach on an approach which connects a City street with a driveway leading to a single family, private garage, or other improved or occupied or unoccupied premises, owned or occupied of the premises, his spouse and dependents.

9-b) Commercial Access: An entrance to a building which connects a City street with a driveway to a building for multiple family, commercial, industrial, institutional, or other uses which will ordinarily carry a heavy volume of traffic, the character of which will ordinarily carry a heavy traffic load.

9-c) Field Access: An entrance and on road to a field or to a City street or road with vacant lots, fields, or undeveloped property.

CLASSIFICATION All entrances and approaches shall be divided into five classes:

CLASS I Single Family Residence Access

- CLASS II Residential

- CLASS III Single Family Residence Access - either raised curb or shoulder only, no raised curb.

- CLASS IV Commercial Access - raised curb used.

- CLASS V Commercial Access - should only, no raised curbs.

Approaches shall be classified in accordance with the following Standards Manual:

D. APPLICATION FORMS REQUIRED AND FEES

1) RESIDENTIAL (Class I, II, or V Access) - Each Entrance

2) COMMERCIAL (Class III, IV or V Access) - (Without Taper or Posting Lines)

3) COMMERCIAL (Class III, IV or V Access) - (With Taper or Posting Lines)

\$5.00 Each Application fees represent a process fee and do not include a permit fee.

E. NEW APPLICATION — WHEN REQUIRED

Applications for new entrances shall be required for the construction, remodeling, reconstruction, or alteration of any approach, driveway or crossover. Any land use of the property or entrance of the applicant shall be reviewed to determine if any alteration is required. If the existing entrance, approach (a), driveway or crossover is to be removed, a new construction is required. In the event of a determination of a requirement, alteration, or modification of an existing entrance, driveway or crossover, a new application for a permit for a wholly new approach, driveway or crossover shall be submitted for a new application.

F. APPLICANT'S PERMIT MAKING DISCLOSURES: All applications for a permit under these regulations shall be made in the name of the applicant and shall be signed by him. All persons having any interest in the property, including heirs, devisees, mortgagees, lessees, optioners, lessors, and holders of options, shall join with the simple holder in the application. All such persons shall sign the application sign and consent to the construction of the driveway or approach and shall be bound equally thereafter by the terms of the permit. If any interest holder may be issued to any permittee, title evidence of record, or other documents for the covering period of 20 years, shall be furnished to the Board of Public Works for review prior to application in the following manner:

1) Prior to making an application except those applications except those applications for a permit for an EXPOSED CHANGE IN USE, THE FOLLOWING CHARACTER:

2) Prior to access or field access in areas covered by limited access resolution of the discretion of the Board of Public Works.

3) Prior to submitting an application which his title evidence of record discloses rights of oil interest holders, then if the application discloses oil interest, then if granting the permit, the applicant must furnish a certificate of title evidence showing that all omitted interest holders or have by an addendum to the application, or the original applicant on the original application, or addendum must be submitted before any application for a permit for construction under the permit shall begin.

G. ACCESS DISCLOSURE OF ADDENDUM FOR DRIVeways ADJACENT PARCELS:

All applications for a permit shall state the present and proposed use of the parcel for which the application is made and the use of the access in conjunction with any adjacent parcels, or parcels owned by applicants or by others, or to whom they are sold or given. All statement or others shall be disclosed in the application. All addendums which are filed with the application or addendum must be submitted before any application for a permit for construction under the permit shall begin.

H. ACCESS DISCLOSURE OF ADDENDUM FOR DRIVEWAYS WITH NO PROPOSED CHANGE IN USE, THE FOLLOWING CHARACTER:

1) Prior to access or field access in areas covered by limited access resolution of the discretion of the Board of Public Works.

2) Prior to submitting an application which his title evidence of record discloses rights of oil interest holders, then if the application discloses oil interest, then if granting the permit, the applicant must furnish a certificate of title evidence showing that all omitted interest holders or have by an addendum to the application, or the original applicant on the original application, or addendum must be submitted before any application for a permit for construction under the permit shall begin.

I. INFORMATION REQUIRED: All applications for a permit shall be accompanied by clear drawings.

1) Site plan showing property lines, driveways, roads, etc.

2) Distances between intersecting roads, streets, railways, or crossovers within the boundaries of the property.

3) Width of right-of-way.

4) Location of driveway or entrance.

5) Necessary and existing public utility lines, etc.

6) Distance from property line to passing public utility lines, etc.

7) Base, surface, etc., of driveways.

8) Base, surface, etc., of approaches.

9) Drawing of driveway or entrance.

10) Drawing of approaches.

11) Drawing of driveway or entrance.

12) Drawing of approaches.

13) Drawing of driveway or entrance.

14) Drawing of approaches.

15) Drawing of driveway or entrance.

16) Drawing of approaches.

17) Drawing of driveway or entrance.

18) Drawing of approaches.

19) Drawing of driveway or entrance.

20) Drawing of approaches.

Fort Wayne Common Council
(Governmental Unit)

To NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)
— number of equivalent lines

| | | |
|---------------------------------|-----------------|------------|
| Head | number of lines | |
| Body | number of lines | <u>559</u> |
| Tail | number of lines | <u>2</u> |
| Total number of lines in notice | | <u>561</u> |

COMPUTATION OF CHARGES

| | | |
|-----|--|---------------|
| 561 | lines, 1 columns wide equals 561 equivalent lines at .288¢ | <u>161.57</u> |
| | cents per line | \$ |

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM **\$161.57**

DATA FOR COMPUTING COST

| | |
|-------------------------------|--|
| Width of single column 11 ems | Size of type <u>5½</u> point |
| Number of insertions <u>2</u> | Size of quad upon which type is cast <u>5½</u> |

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date April 25, 1974

Title Clerk

Subscribed and sworn to before me this 25th day of April 1974.

 Notary Public

PUBLISHER'S AFFIDAVIT
 State of Indiana
ALLEN County ss:
 Personally appeared before me, a notary public in and for said county and state, the undersigned, **V.E. Gerken**, who, being duly sworn, says that he is **Clerk** of the **NEWS-SENTINEL**, a newspaper of general circulation printed and published in the English language in the city of **FORT WAYNE, INDIANA**, in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for **two** time(s), the dates of publication being as follows:
4/17-24/74.

Subscribed and sworn to before me this 25th day of April 1974.

 Notary Public

My commission expires March 11, 1978

Notice is hereby given that on the 9th day of April, 1974, the Common Council of the City of Fort Wayne, Indiana, at its Regular Session did pass the following Bill No. 03-23 G-66-74 General Ordinance, to-wit:

GENERAL ORDINANCE NO. G-6-74

An ORDINANCE amending Section 12 of Article I of Chapter 28 of the Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. 72-2, adopted December 22, 1958.

SECTION 12. AMENDMENT OF THE MUNICIPAL CODE OF THE CITY OF FORT WAYNE, SECTION 12 OF ARTICLE I IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 12 (A) CONSTRUCTION OF DRIVEWAY ENTRANCES AND APPROACHES

These regulations shall apply to all classes designated in Subsection (C) and those described in Accessory Rules.

B) DEFINITIONS For the purpose of these regulations the following definitions shall apply:

1) Driveway: Every way or place not on the right-of-way of a public street or other way which is used for vehicular traffic.

2) Approach: A place improved for vehicle or pedestrian traffic on street right-of-way which connects the driveway or entrance of a public street with a driveway, or provides access thereto.

3) Entrance: The point of connection of an approach with the traveled portion of a public street.

4) Median: The portion of a divided highway separating the traveled ways for traffic in opposite directions.

5) Travelway Way: The portion of the roadway for the movement of vehicles, excluding shoulders and medians.

6) Median Opening (Crossover): A gap in the median provided and designated for crossing purposes by the Board of Public Works.

7) Auxiliary Lane: The portion of the roadway, adjoining the travelway for parking, turning, weaving, truck climbing or other purposes.

8) Connection Point: The point of connection of a driveway of the right-of-way line of the street with the approach.

9-a) Residence Access: An entrance and an approach which connects a City street or road with a driveway to a residence, barn, garage, stable, workshop or other similarly used which is ordinarily used by the owner or occupant of the premises, his guests and necessary employees.

9-b) Commercial Access: An entrance and an approach which connects a City street or road with vacant lots, fields or other unimproved property.

9-c) Field Access: An entrance and an approach which connects a City street or road with vacant lots, fields or other unimproved property.

9-d) Improved property which will ordinarily carry a heavy traffic load.

CLASSES. All entrances and approaches shall be divided into five classes as follows:

CLASS I Single Family Residence Access

CLASS II Single Family Residence Access — shoulder only, no raised curb,

CLASS III Single Family Residential Access — raised curb used.

CLASS IV Commercial Access — should only, raised curbs.

CLASS V Field Access — either raised curb or shoulder only.

Crossovers shall be classified in accordance with current Access Standards Manual.

D) APPLICATION — FORMS REQUIRED and FEES

1) COMMERCIAL: Form required Application to the Right-of-Way Permit Department, Room 880, City-County Building, for permits under these regulations, driveway, or approach connecting with a City street, oilery, or to cut any curb along said street, or to any structure or building on said street shall be made on the form prescribed by the Board of Public Works.

2) PRIVATE: Form required for an application see submitted with each application in the following amounts:

1) COMMERCIAL (Class I, II, or V Access) \$10.00 Each Entrance.

2) COMMERCIAL (Class III, IV or V Access) \$10.00 Each Entrance.

3) COMMERCIAL (Class III, IV or V Access) \$20.00 Each Entrance.

Such applications fee represents a processing fee and does not include a pro-

cessing fee and does not include a pro-

CLOSURE OF INTENDED USE FOR OR WITHDRAWAL

For or withdrawal of a permit shall disclose the present and proposed use of the parcels for which the permit is issued, and the proposed use of the access in conjunction with any other development, or to be used by the applicant or by others, or to be purchased or sold by the applicant or by others. All adjacent parcels owned by the applicant or by others, which are intended to be used in connection with the intended access, shall be disclosed in the application. All adjacent parcels owned by the applicant or by others, which are intended to be used in connection with the intended access, shall be disclosed in the application. These disclosures are required to ensure that the travel plans of the applicant are consistent with the right of the adjoining landowner.

(4) **APPLICATION—DRAWINGS AND INFORMATION**: All applications for permits under these regulations shall be accompanied by clear drawings. One drawing, according to each application form, information to be shown on drawings shall include the following information:

- 1) Name and address of approaches.
- 2) A legal description of the property to be affected by the proposed work, including a legal description of the adjoining land owned or controlled by the applicant.
- 3) Right-of-way lines and property lines.
- 4) Site plan showing parking, interior driveways, etc., etc.
- 5) Distance to nearest intersecting roads, streets, alleys, or crosswalks within five hundred (500) feet.
- 6) Grade of driveway or road-way.
- 7) Width and type of road surface.
- 8) Type of drainage system, tile, or other drains showing size and kind.
- 9) Distance from right-of-way line to nearest intersection, driveway, construction house, etc., etc.) of driveways.
- 10) Type of surface and construction (asphalt, concrete, etc.) of driveways.
- 11) Proposed turning radius.
- 12) Proposed location of right-of-way adjacent to and between approaches and driveways.
- 13) Reference to and design of next drives on both sides of street (both directions) if where the proposed approach or driveway will affect parcels owned or controlled by the applicant or by others.
- 14) **STREET SURFACING STANDARDS**: All construction and materials used within the street area may meet the requirements of the City of Fort Wayne "Standard Specifications" which shall be kept on file in the Right-of-Way Permit Department.

(5) **APPLICATION—DESIGNS**: All applications shall be filed in accordance with the "Right-of-Way Standards Manual" requirements of the City of Fort Wayne. This manual contains minimum requirements in accordance with such standards developed by the Engineering Department of the City of Fort Wayne.

(6) **ENGINEER'S ATTESTATION**: All applications for permits shall be signed and be filed by a registered professional engineer, or registered architect, certifying that the applications as proposed, conform with all City of Fort Wayne laws and ordinances. The engineer shall also note in such attestations:

(7) **PERMITTING—OTHER LAWS**: Approval of a permit application shall not imply that the permittee has obtained all necessary approvals involved in the use from the zoning board, planning commission, zoning jurisdiction and local authorities and comprising all other permits required. In addition, any permit shall in no way imply Board of Works authority to act on behalf of the city for any action pending before any local board or committee.

(8) **PERMIT REQUIREMENTS**: The City of Fort Wayne shall require a Permit Application Bond to be filed along with each application to do any type of construction or repair work.

(9) **Contractors**:
a) Payment Minimum — \$5,000.
b) Liability Insurance Minimum — \$100,000.
c) Private Property Owners:
i) Payment Minimum — \$1,000.
ii) Liability Insurance Minimum — \$10,000.
d) Liabilities Insurance Minimum — \$10,000.
e) Homeowners' Policy naming the City of Fort Wayne as additional insured.
Such insurance is required to insure compliance with all terms of the permit. It shall be the responsibility of the permittee to provide such insurance in addition to any damages suffered thereby. The permittee and his attorney, acting at the same, together with any attorney's fees resulting from the issuance of the permit, shall be responsible for all costs incurred when the work described on the permit has been completed. Right-of-Way Permit Department, reserving the right to inspect.

The proper bond forms may be obtained from the Right-of-Way Permit Department, Room 101, City Hall, Fort Wayne, Indiana.

(10) **MECHANICAL OPENINGS (cross-overs)**

LOCATION: Permits for private or commercial mechanical openings shall be issued unless the distance to the nearest existing crosswalk or intersection is less than one hundred (100) feet, unless the applicant can prove to the satisfaction of the Board of Works that the location of the crossover will not be detrimental to the safety of the public.

O) LOCATION—PAPER CONTINUOUS

All paper continuous shall be placed in the drive-way approach until credit is given to the applicant for the property to an adjacent similar paper, hazardous or erratic traffic conditions. Paper continuous shall be placed in the drive-way approach until credit is given to the adjacent similar paper.

P) LOCATION—CROSS-OVERS: All cross-overs shall be located so as to provide adequate sight distance in both directions for safe access to the street without interfering with traffic.

Q) LOCATION—TRAFFIC DEVICES

All traffic devices shall be installed or constructed so as to interfere with or prevent the free movement of any street signs or other traffic control devices.

R) LOCATION—RIGHT-OF-WAY: The approach road shall be so constructed that any part of the same extends beyond the property lines of the property other than the permittee unless both property owners sign a waiver.

S) DRAINAGE REQUIREMENTS: All improvements made to the property must not interfere with drainage of the street or right-of-way. All improvements made to the property on the right-of-way, nor shall they be constructed so as to cause drainage problems to the property.

All drainage pipes or tile, in the street, driveway, or approaches, shall be a MINIMUM OF TWELVE (12) INCHES IN DIAMETER and such length as the Department shall deem necessary to prevent flooding of driveways and approaches shall be furnished by the permittee. All drainage structures used shall meet the approved standards of the Board of Works. The permittee shall furnish to the Board of Works a copy of the Department's standard drainage specifications.

T) PERMIT—CONSTRUCTION

Upon receipt of such permit, the permittee is authorized to proceed with the work set forth in the application. All work imposed by the Board of Public Works and necessary to complete the work as proposed with conditions or special provisions, all of the same shall be done in accordance with the conditions or special provisions, which the permittee should indicate their consent to the conditions or special provisions.

U) PERMIT—INSPECTION

A final approval of the permit application upon completion of the construction provided, however, that no approval will be issued until the permittee has submitted a permit to construct. Is inspected and found in accordance with the drawings and specifications filed in the application as amended by the Board of Works, and the permittee agrees with any specific conditions noted therein, and approved by the Board of Works.

V) PERMIT RECORDING: The permit office of the Right-of-Way Permit Engineering Office shall receive recording of records of all permits issued by the Board of Public Works, enter some into the general ledger of the Right-of-Way Permit Engineering Office, together with the cost of processing and recording, and the date of construction and final inspection, the date

State Board of Accounts

County Council

Environmental Unit

County, Ind.

PUE

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number of lines

S) DRAINAGE REQUIREMENTS: All improvements shall be interconnected with drainage of the street or right-of-way, nor cause additional flooding or water accumulation. All new structures shall be constructed so as to cause proper drainage.

All drainage pipes or tile used in the construction of driveways and other structures shall be at least ONE TWELVE (12) INCHES IN DIAMETER and as much larger as may be required to insure necessary proper drainage, and all new driveways and approaches shall be graded to insure proper drainage. All pipe or tile and other drainage structures used shall meet the approved size and length.

T) RIGHT-OF-WAY—FOR CONSTRUCTION: Upon receipt of such permit, the permittee is authorized to proceed with the work covered by the permit to the extent proposed by the Board of Public Works and Engineering Department, together with conditions, or special provisions, all of the signatures to the permit, and any addenda indicating their consent to the conditions, or special provisions in writing.

U) PERMIT—NOTIFICATION OF COMPLETION: A final approval of the permit shall be issued upon completion of the construction proposed by the Board of Public Works and Engineering Department, together with conditions, or special provisions, all of the signatures to the permit, and any addenda indicating their consent to the conditions, or special provisions in writing.

V) PERMIT—NOTIFICATION OF BEGINNING WORK WHEN EFFECTIVE: Before the permittee begins to construct, the permittee shall notify the Board of Public Works Office of the beginning of work, and open two (2) hours prior to start of work, and open five (5) hours prior to pouring concrete.

W) PERMIT—NOTIFICATION OF BEGINNING WORK WHEN EFFECTIVE: Before the permittee begins to construct, the permittee shall notify the Board of Public Works, enter some into the general ledger of the Right-of-Way Permit Engineering Office, together with the cost of processing said permit. Upon completion of work, the same shall be paid, and date of acceptance shall also be entered into the ledger.

X) PERMIT—NOTIFICATION OF BEGINNING WORK WHEN EFFECTIVE: Before the permittee begins to construct, the permittee shall notify the Board of Public Works, enter some into the general ledger of the Right-of-Way Permit Engineering Office, together with the cost of processing said permit. Upon completion of work, the same shall be paid, and date of acceptance shall also be entered into the ledger.

Y) PERMIT—NOTIFICATION OF COMPLETION: All work authorized by a permit must be completed within one (1) year after the permit is issued. If the permittee fails to complete the work within one (1) year, and it is approved by the Board of Public Works; however, all construction authorized by the permittee shall be completed within thirty (30) days after starting work, unless otherwise specified in the permit, or expressly approved as a special condition.

Z) PERMIT—ABILITY DURING CONSTRUCTION: The permittee shall be responsible for all costs of insurance, labor, materials, equipment, and supplies necessary to complete the work, and shall be responsible for any damage to any property of the City of Fort Wayne, any and all injury, loss or damage occasioned to any person or property by the permittee directly or indirectly from such work; the permittee shall be liable to the City of Fort Wayne for all expenses incurred by the City of Fort Wayne in removing any structures or traffic control devices which the permittee has placed in the public way, and the permittee to provide liability and indemnity insurance as described by subsection (A).

A) PERMIT—CONSTRUCTION NOT TO DAMAGE PROPERTY: The permittee shall not damage any property of the City of Fort Wayne, or any property situated on or over the right-of-way or any portion thereof, or any property of any law.

B) PERMIT—ENFORCEMENT OF UNLAWFUL SIGNS: The permittee shall not place any sign or device on any property on or over the right-of-way or any portion thereof, or any property of any law.

C) PERMIT—EXTENSION OF ACCESS-SUBJECT TO NEW RULES: Any permittee who by reason of existing legal right of access to a City of Fort Wayne street, shall if he desires to improve, relocate, or change such right, file a written application for one or more special Ordinances if he desires to make any change in the character of the use of such rights, access, the right of way, or any other property in respect to such real estate shall be subject to the rules and regulations of the City of Fort Wayne as may be amended by the Board of Public Works.

D) SEVERABILITY: If any provision of said Ordinance or the application thereof to any person or circumstance is valid, such provision shall not affect the validity of any other provision of the Ordinance or provisions or applications of these rules which are valid, and the invalid provision, or application, and to that end, the provisions of said Ordinance are dependent upon each other.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approved by the Mayor and legal publication thereof.

JOHN NUCKOLS, JOHN NUCKOLS
Councilman
Read the first time, in print and on motion by Nuckles seconded by Hill, and ordered, placed on its passage, PASSED by the following vote:

AYES—Krause, Krouse, Nuckles, V.
Schmidt, Steier,
NOES—Burns, Moses, D. Schmidt,
Talorfer.

CHARLES W. WESTERMAN,
City Clerk

Approved and adopted by the Common Council of the City of Fort Wayne, Indiana, on the 10th day of April, 1974, at the hour of 9:30 o'clock A.M.

ATTEST: SAMUEL J. TALARICO
Clerk

Presented by me to the Acting Mayor, City Controller of the City of Fort Wayne, Indiana, on the 10th day of April, 1974, at the hour of 9:30 o'clock A.M.

CHARLES W. WESTERMAN,
City Clerk

Approved and signed by me this 11th day of April, 1974, at the hour of 9:30 o'clock A.M., E.S.T.

EDWARD G. KAMKAR,
Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-68-74, as passed by the Common Council on the 9th day of April, 1974, and that the original copy is signed and approved by the City Controller and signed and approved by the City Clerk, and remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 11th day of April, 1974.

CHARLES W. WESTERMAN,
City Clerk.

ate Board of Accounts

1. Council

nenatal Unit)

..... County, Ind.

PUBLISHER'S CLAIM

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GES

es, 1 columns wide equals 561 equivalent lines per line

charge for notices containing rule or tabular work (50 cents per cent)

xtra proofs of publication (50 cents for each proof in excess of one)

CAL AMOUNT OF CLAIM

G COST

gle column 11 ems

Size of type

insertions... 2

Size of quad

on and penalties of Ch. 89, Acts 1967,

foregoing account is just and correct, that the amount claim of the same has been paid.

.., 19. 74

PUBLISHER'S AFFIDAVIT

State of Indiana
Allen County } ss:
County

Personally appeared before me, a notary undersigned ARVILLA DEWA

that she is CLERK

JOURNAL-GAZETTE newspaper

a DAILY newspaper

in the English language in the city of town of

in state and county aforesaid, and that the paper which was duly published in said paper for

as follows:

4/17-24/74

Subscribed and sworn to before me this 25

My commission expires March 11, 1975

Fort Wayne Common Council
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)
— number of equivalent lines

Head number of lines _____

Body number of lines _____

Tail number of lines _____

Total number of lines in notice _____

559

2

561

COMPUTATION OF CHARGES

561 lines, 1 columns wide equals 561 equivalent lines at .288¢ cents per line

\$ 161.57

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

1.00

Charge for extra proofs of publication (50 cents for each proof in excess of two)

~~161.50~~

TOTAL AMOUNT OF CLAIM

\$ 162.57

DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type $5\frac{1}{2}$ point

Number of insertions 2

Size of quad upon which type is cast $5\frac{1}{2}$

Pursuant to the provision and penalties of Ch. 89, Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Arville De Told

Title.....

CLERK

Date April 25, 1974

PY OF
NT HERE

PUBLISHER'S AFFIDAVIT

State of Indiana } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLE DEWOLD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time(s), the dates of publication being as follows:

4/17-24/74*Arville De Told*Subscribed and sworn to before me this 25th day of April 19 74Clyt Daberton
Notary Public

My commission expires March 11, 1978

